

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**THE PENNSYLVANIA STATE
UNIVERSITY,
Plaintiff**

v.

**KEYSTONE ALTERNATIVES LLC
d/b/a GOPSURV.COM and
MARK LAUER,
Defendants**

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**No. 1:19-cv-02039

(Judge Kane)**

ORDER

AND NOW, on this 27th day of October 2023, upon consideration of Plaintiff's "Unopposed Motion for Leave to File Under Seal Exhibits in Support of Plaintiff's Opposition to Defendants' Motion for Summary Judgment" (Doc. No. 191), along with Plaintiff's and Defendants Keystone Alternatives LLC d/b/a GoPSUrv.com and Mark Lauer ("Defendants")' responses (Doc. Nos. 201–02) to this Court's May 26, 2023 Order to Show Cause (Doc. No. 197) directing the parties to show cause why the documents both parties filed provisionally under seal in connection with their pending cross-motions for summary judgment should remain sealed pursuant to the requirements of In re Avandia Marketing, Sales Practices and Products Liability Litigation, 924 F.3d 662 (3d Cir. 2019) ("Avandia") governing the sealing of materials filed in connection with a summary judgment motion, and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT:**

1. Plaintiff's motion (Doc. No. 191) is **GRANTED in part** and **DENIED in part**, as follows:
 - a. Plaintiff's motion is **GRANTED** insofar as: (1) the Court will permit Plaintiff to file a redacted version of its Exhibit 60 (Doc. No. 196-5), within fourteen (14) days of the date of this Order and the Court will temporarily retain Docket Number 196-5 under seal pending further Order of Court; and (2) the Court will require the parties to clarify the nature of Defendants' Exhibit E (Doc. No.

209-5), within fourteen (14) days of the date of this Order and the Court will temporarily retain Docket Number 209-5 under seal pending further Order of Court;

- b. Plaintiff may file appropriately excerpted but unredacted versions of two other exhibits—Defendants’ Exhibit B (Doc. Nos. 188/209-2) and Defendants’ Exhibit D (Doc. Nos. 187/209-4)—within fourteen (14) days of the date of this Order and the Court will temporarily retain Docket Numbers 187, 188, 209-2 and 209-4 under seal pending further Order of Court; and
 - c. Plaintiff’s motion is otherwise **DENIED**;
- 2. Plaintiff is directed to **PROVIDE** third-party Christopher Longo or his counsel with a copy of this Order and the accompanying Memorandum and third-party Christopher Longo is permitted fourteen (14) days from the date of this Order to show cause why his deposition and accompanying exhibits, located at Docket Numbers 207, and parts of Docket Numbers 186, and 209-8, should remain sealed pursuant to the requirements of Avandia governing the sealing of materials filed in connection with a summary judgment motion, and the Court will temporarily retain Docket Numbers 207, 186 and 209-8 under seal pending further Order of Court;
 - 3. The Clerk of Court is directed to **UNSEAL** the following documents filed under seal by Plaintiff: Docket Numbers 196-1, 196-2, 196-3, 196-4, and the following documents filed under seal by Defendants: Docket Numbers 184, 185, 185-1, 204, 204-1, 205, 206, 208, 209, 209-1, 209-3, 209-6, 209-7, and 209-9; and
 - 4. The Clerk of Court is directed to **STRIKE** the following documents from the docket of this matter: Docket Numbers 203-1, 203-2, 203-3, 203-4, 203-5, 203-6, 184-1, and 209-10.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania